

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND ALLEN REDWINE,

No. C-12-1350 TEH (PR)

Petitioner,

ORDER OF DISMISSAL AND GRANTING  
LEAVE TO PROCEED IN FORMA  
PAUPERIS

v.

R. GROUNDS, Warden

Respondent.

\_\_\_\_\_/ Doc. #3

Petitioner Raymond Allen Redwine, a state prisoner incarcerated at California Training Facility - North in Soledad, California ("CTF-Soledad") has filed a writ of habeas corpus under 28 U.S.C. § 2254, challenging prison conditions. Specifically, Petitioner alleges that his personal property was wrongfully stolen from him on June 25, 2010, when he was processed into CTF Soledad, that prison officials have failed to compensate him for the stolen items, and that prison procedures facilitate the theft of prisoners' personal property as they are processed into new prisons. Doc. #1 at 3. For the reasons set forth below, the petition is DISMISSED.

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## I

Petitioner's challenges to the conditions of his confinement are DISMISSED without prejudice to filing a civil rights complaint under 42 USC § 1983. Although the Supreme Court has not addressed whether a challenge to a condition of confinement may be brought under habeas, see Bell v Wolfish, 441 U.S. 520, 527 n.6 (1979), the Ninth Circuit has held that habeas jurisdiction is absent, and a Section 1983 action proper, where, as here, a successful challenge to a prison condition will not necessarily shorten the prisoner's sentence. See Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003); see also Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of confinement); Crawford v. Bell, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to terms and conditions of confinement must be brought in civil rights complaint).

## II

Petitioner also seeks leave to proceed in forma pauperis under 28 U.S.C. § 1915. Doc. #3. Good cause appearing, Petitioner's application to proceed in forma pauperis is GRANTED. Doc. #3.

## III

A Certificate of Appealability is DENIED because Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural

1 ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

2 The Clerk shall terminate any pending motions as moot,  
3 enter judgment in accordance with this order and close the file.

4 IT IS SO ORDERED.

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6 DATED 04/25/2012



THELTON E. HENDERSON  
United States District Judge

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